



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Jacob K. Javits Federal Building
 26 Federal Plaza, 37th Floor
 New York, New York 10278*

October 31, 2024

BY ECF

The Honorable Jesse M. Furman
 United States District Judge
 Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, New York 10007

Re: *United States v. Jean Pierre Nunez, 23 Cr. 675 (JMF)*

Dear Judge Furman:

The Government writes on behalf of the parties to respectfully request that the Court schedule a change of plea conference in the above captioned case on, if possible, November 4, 2024. The parties respectfully request an adjournment of the deadline for the filing of pretrial motions from November 4, 2024, to November 5, 2024. This extension will allow the parties to focus on resolving the case. This is the parties' second request for an adjournment.

Application GRANTED, except the deadline for the filing
 of pretrial motions is extended only to 10:00 a.m. on
 November 5, 2024. A conference is set for
November 4, 2024, at 10:30 a.m. in Courtroom 1105.

In accordance with Section 7(B) of the Court's Individual Rules and Practices for Criminal Cases, defense counsel should, in advance of the proceeding, review with the Defendant — if necessary, with the assistance of an interpreter — any Pimentel letter or plea agreement. Additionally, the Defendant should be prepared to give narrative allocutions that incorporate all of the elements of the offense(s) to which the Defendant is pleading guilty. In the interest of clarity and efficiency, the Court encourages counsel to assist the Defendant in writing an allocution that can be read in open court during the plea proceeding.

Finally, the Court notes that the parties should be prepared to address the question of remand pursuant to 18 U.S.C. §§ 3142(a)(2) and 18 U.S.C. § 3145(c) in light of the Court's decision in *United States v. Chavez*, — F. Supp. 3d —, No. 22-CR-303 (JMF), 2024 WL 50233 (S.D.N.Y. Jan. 4, 2024). If the Government intends to move for remand upon entry of a guilty plea and believes that there is a basis to distinguish this case from Chavez, it shall so advise defense counsel and the Court at least 24 hours before the proceeding. SO ORDERED.

October 31, 2024